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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/865,470

05/24/2001

Frederick L. Ross

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06/07/2006

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/865,470

Applicant(s)

ROSS, FREDERICK L.

Examiner

Marissa Thein

Art Unit

3627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

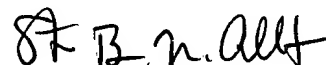
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.



**STEVE B. MCALLISTER
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' remarks are not persuasive. For example, Applicants' remark that "Junger-Hauser combination does not disclose, teach, or suggest validating the return by matching the return validation code with pre-authorization code obtained by the consumer and indicating prior approval of the return by a remote direct merchandiser for whom the item was purchased".

The Examiner notes that the combination of Junger and Hauser does disclose the "validating the return by matching the return validation code with pre-authorization code obtained by the consumer and indicating prior approval of the return by a remote direct merchandiser for whom the item was purchased". Junger discloses a computer system at a product return center location which obtains identifying information for a product which is to be returned (col. 2, lines 41-43). This identifying information is then submitted to a remote return approval computer system through the internet or the like (col. 2, lines 44-46). The return approval computer system may then utilize the identifying information to determine whether the returned product satisfies applicable return criteria (col. 2, lines 46-50). If so, the item is pre-approved for return (col. 2, lines 49-50). The product return location preferably obtains identifying information for a plurality of returned products at a time (col. 2, lines 50-52). In response to the product identifying information submitted by the product return location, the return approval location may provide a list of approved returns and unapproved returns along with a return authorization number for a batch of approved returns (col. 2, lines 52-56). Furthermore in Figure 4F, a screen is shown before a return authorization (RA) approval is submitted. An operator is prompted to enter the name and phone number and a customer reference number (e.g. a bill of lading number, file number, invoice number etc.) (col. 7, lines 53-59). If the entered information is verified (Figure 4G) with the customer reference number, the information is re-validated and a RA number is matched (Figure 4H).

Such entering the name and phone number and a customer reference number for return authorization approval; the entered information is verified and re-validated; and the matching of an RA number with the approval are considered "validating the return by matching the return validation code with pre-authorization code obtained by the consumer".

The Examiner then turns to Hauser to teach the indication of prior approval of the return by a remote direct merchandiser for whom the item was purchased. Hauser teaches a merchant electing to pre-authorize customers to return any purchased merchandise which the customer are dissatisfied (col. 7, lines 67 - col. 8, line 2).

Such a merchant electing to pre-authorize customers to return any purchased merchandise which the customer are dissatisfied is considered prior approval of the return by a remote direct merchandiser for whom the item was purchased.